

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

FIBER TECHNOLOGIES NETWORKS, L.L.C.,)	
)	
Complainant,)	
)	
v.)	
)	
VERIZON MA NEW ENGLAND, (f/k/a New England)	
Telephone and Telegraph Company),)	
)	
and)	
)	
NORTHEAST UTILITIES SERVICE COMPANY,)	D.T.E. 03-56
d/b/a Western Massachusetts Electric Company,)	
)	
and)	
)	
THE MASSACHUSETTS ELECTRIC COMPANY,)	
)	
Respondents.)	
)	

FIBER TECHNOLOGIES NETWORKS, L.L.C.’S
OPPOSITION TO APPEAL OF HEARING OFFICER RULING DENYING PETITION
TO INTERVENE OF SHREWSBURY’S ELECTRIC LIGHT PLANT

Fiber Technologies Networks, L.L.C., f/k/a Fiber Systems, L.L.C., (“Fibertech”) opposes Shrewsbury’s Electric Light Plant’s (“SELP”) appeal of the Hearing Officer’s ruling denying the petition by SELP to intervene in this proceeding. SELP fails to demonstrate that it is substantially and specifically affected by this proceeding as required by 220 C.M.R. 1.03(1)(b) or that any interests it has in the proceeding are not adequately represented by the existing parties.

On June 24, 2003, the Massachusetts Department of Telecommunications and Energy (the “DTE”) held a public hearing on DTE 03-56. During that hearing, the Hearing Officer denied SELP’s petition to intervene. The Hearing Officer stated:

“The common issue that was asserted in the petition to intervene was the licensee question, whether Fibertech under Section 25A would qualify as a licensee. I would note that all the other parties could raise that issue as well. It hasn’t been demonstrated that they are unable to raise that issue. The mere fact that there is a common issue doesn’t demonstrate that Shrewsbury Electric Light Plant is substantially and specifically affected.” *See Transcript from June 24, 2003, DTE Hearing on DTE 03-56, p. 12.*

As demonstrated by the Hearing Officer’s explanation of his denial of SELP’s petition, SELP does not bring anything to this proceeding that Verizon MA New England (“Verizon”), Northeast Utilities Service Company, d/b/a Western Massachusetts Electric Company (“WMECO”), and Massachusetts Electric Company (“MECO”) do not. Verizon, WMECO, and MECO are more than capable of litigating the issue of whether Fibertech is a licensee under Section 25A. Therefore, there is no need for SELP to join this proceeding as a fourth utility when any interests SELP may have are already adequately represented by the three defending utilities.

In addition, SELP is no more affected by this proceeding than any other utility in Massachusetts. SELP argues in its appeal that SELP is “uniquely qualified” to assist the Department in its investigation; however, the mere fact that SELP and Fibertech are engaged in their own separate proceeding involving the “licensee” issue certainly does not make them “uniquely qualified” with respect to this proceeding. The outcome of this proceeding will have the same affect on SELP as it will on all other utilities in Massachusetts, and therefore SELP will not be substantially and specifically affected by this proceeding. *Petition of Boston Edison Company for review of its electric industry restructuring proposal, D.P.U. 96-23, Interlocutory*

Order on Appeal by Cablevision Systems Corporation of Its Intervention Status and On Petition of The New England Cable Television Association, Inc. For Leave to Intervene Late, at 7-8 (Sept. 8, 1997), affirmed sub nom., *Cablevision Systems Corp. v. DTE*, 428 Mass. 436 (1998).

Accordingly, the appeal of the Hearing Officer's Ruling denying SELP's petition to intervene should be denied.

Respectfully submitted,

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